

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MARK LEWIS KING,

Petitioner,

v.

**CIVIL ACTION NO.: 3:16-CV-52
CRIMINAL ACTION NO.: 3:12-CR-27-1
(GROH)**

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) [ECF No. 6 in Civil Action No. 3:16-CV-52; ECF No. 108 in Criminal Action No. 3:12-CR-27-1] issued by United States Magistrate Judge James E. Seibert on July 13, 2016. Because the Petitioner did not file objections to the R&R, the Court has reviewed the R&R for clear error. See 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140, 150 (1985); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

The above-styled civil action was initiated on April 25, 2016, when the Court received a letter from the Petitioner [ECF No. 1 in Civil Action No. 3:16-CV-52; ECF No. 100 in Criminal Action No. 3:12-CR-27-1]. In his letter, the Petitioner asked whether he was entitled to relief under the Supreme Court’s decision in Johnson v. United States, 135 S. Ct. 2551 (2015). The Clerk’s Office docketed the Petitioner’s letter as a motion under 28 U.S.C. § 2255. In the days after his letter was received, the Court issued a notice of

deficient pleading and an order directing the Petitioner to show cause why his case should not be dismissed. The Petitioner did not submit any additional filing. Now, in the R&R, magistrate judge Seibert recommends that the Petitioner's letter/motion be denied and dismissed, and that the above-styled civil action be closed.

After reviewing the pertinent documents, the Court **ORDERS** that the magistrate judge's R&R [ECF No. 6 in Civil Action No. 3:16-CV-52; ECF No. 108 in Criminal Action No. 3:12-CR-27-1] is **ADOPTED**. The Petitioner's motion [ECF No. 1 in Civil Action No. 3:16-CV-52; ECF No. 100 in Criminal Action No. 3:12-CR-27-1] is hereby **DENIED** and **DISMISSED**. This matter is **ORDERED STRICKEN** from the active docket of this Court. The Clerk is **DIRECTED** to enter a separate judgment order in favor of the Respondent. The Court declines to issue a certificate of appealability.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address.

DATED: August 19, 2016



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE